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THIRD UNITED NATIONS CONFERENCE TO REVIEW ALL ASPECTS OF THE SET OF MULTILATERALLY AGREED EQUITABLE PRINCIPLES AND RULES FOR THE CONTROL OF RESTRICTIVE BUSINESS PRACTICES
Geneva, 13 November 1995
Items 4 and 5 of the provisional agenda

ADOPTION OF THE AGENDA AND ORGANIZATION OF THE WORK OF THE CONFERENCE

Annotated provisional agenda and organization of work

Note by the UNCTAD secretariat

I. PROVISIONAL AGENDA

1. Opening of the Conference
2. Election of the President
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4. Adoption of the agenda
5. Organization of the work of the Conference
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8. Review of all aspects of the Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices:

   (a) Review of 15 years of application and implementation of the Set;

   (b) Consideration of proposals for the improvement and further development of the Set, including international cooperation in the field of control of restrictive business practices

9. Other business

10. Adoption of proposals for the improvement and further development of the Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices, including international cooperation in this field

11. Adoption of the report of the Conference.

II. ANNOTATIONS

1. The General Assembly, in its resolution 48/442 of 21 December 1993, decided to convene, under the auspices of UNCTAD, a Third United Nations Conference to Review All Aspects of the Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices, at Geneva in 1995. The Intergovernmental Group of Experts on Restrictive Business Practices at its fourteenth session, which took place from 6 to 10 March 1995, acted as the preparatory body for the Conference. The report of the Intergovernmental Group is contained in TD/B/42(1)/3-TD/B/RBP/106.

Item 1 - Opening of the Conference

2. The Conference will be opened at 10 a.m. on Monday, 13 November 1995, by the Secretary-General of UNCTAD or by his representative.

Items 2 and 6 - Election of the President and election of other officers

3. The provisional rules of procedure of the Conference (TD/RBP/CONF.4/4) provide in rule 7 that the Conference shall elect, with due regard to equitable geographical distribution, a President and a Rapporteur and 17 Vice-Presidents. The President, the 17 Vice-Presidents and the Rapporteur shall constitute the Bureau of the Conference.

4. In line with past practice, the Bureau should have the following regional distribution: Group of 77: 9; Group B: 6; Group D: 3; and China: 1.

Item 3 - Adoption of the rules of procedure

5. The provisional rules of procedures, approved by the Intergovernmental Group of Experts on Restrictive Business Practices at its fourteenth session, are contained in TD/RBP/CONF.4/4 (see para. 23 of the report of the Intergovernmental Group, TD/B/42(1)/3-TD/B/RBP/106).

Item 4 - Adoption of the agenda

6. The text of the provisional agenda, as set out in section I above, was approved by the Intergovernmental Group of Experts on Restrictive Business Practices at its fourteenth session (see chapter III, para. 43 and annex II of TD/B/42(1)/3-TD/B/RBP/106).

Item 5 - Organization of the work of the Conference

(a) Negotiating Group and subsidiary bodies

7. Rule 44 of the provisional rules of procedure of the Conference provides that the Conference shall establish a Negotiating Group and that it may establish such other subsidiary bodies as it deems necessary. Rule 45 states that the President of the Conference shall be the Chairman of the Negotiating Group and that other subsidiary bodies shall elect their own officers as may be required.

(b) Regional group meetings

8. Appropriate time and facilities shall be made available daily throughout the duration of the Conference for regional group meetings.

(c) Facilities available

9. There will be interpretation facilities available for up to two simultaneous meetings from 10 a.m. to 1 p.m. in the mornings and from 3 p.m. to 6 p.m. in the afternoons throughout the duration of the Conference.

(d) Work of the Conference and the Negotiating Group

10. As agreed by all regional group coordinators at the Secretary-General's consultations held on 24 May 1995, the Conference has available to it seven working days. It is suggested that the first meeting, on 13 November, be devoted to procedural matters, namely items 1 to 7 (a) of the provisional agenda, and that the last meeting, on 21 November, be devoted to items 7 (b) "Report of the Credentials Committee", 9 "Other business", 10 "Adoption of proposals for the improvement and further development of the Set ...", and 11 "Adoption of the report of the Conference". The afternoon of 20 November would need to be kept free for the preparation of the draft report. The remaining meetings (i.e. from 14 November through to the morning of 20 November would be devoted to the substantive item on the agenda (item 8). In this connection, it is suggested that the first two meetings of the Conference be devoted to item 8 (a) "Review of 15 years of application and implementation of the Set", and that the remaining meetings, in particular in the Negotiating Group, be devoted to item 8 (b) "Consideration of proposals for the improvement and further development of the Set, including international cooperation in the field of control of restrictive business practices".

Item 7 - Credentials

11. Rule 5 of the provisional rules of procedure provides that a Credentials Committee of 9 members shall be appointed at the beginning of the Conference. Its composition shall be based on that of the Credentials Committee of the General Assembly of the United Nations. At the time of the Conference the General Assembly will be holding its fiftieth session.

Item 8 - Review of all aspects of the Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices

(a) Review of 15 years of application and implementation of the Set

12. In acting as preparatory body for the Review Conference, the Intergovernmental Group of Experts on Restrictive Business Practices, at its fourteenth session, requested the UNCTAD secretariat to "prepare a review and assessment of 15 years of application and implementation of the Set" (Agreed conclusions (e), contained in annex I to TD/B/42(1)/3-TD/B/RBP/106). This note will be submitted to the Conference in TD/RBP/CONF.4/5. In addition, Governments may wish to present their views on the implementation of the Set under this agenda item.

(b) Consideration of proposals for the improvement and further development of the Set, including international cooperation in the field of control of restrictive business practices

13. The Intergovernmental Group of Experts on Restrictive Business Practices at its fourteenth session had a full exchange of views on proposals by regional groups and individual States, and adopted agreed conclusions which are being forwarded to the Third Review Conference, as contained in annex I of its report TD/B/42(1)/3-TD/B/RBP/106. Part II of the agreed conclusions contains the proposals put forward for consideration by the Third Review Conference by the Intergovernmental Group of Experts as a whole; and part III contains other proposals on which agreement could not be reached by the end of the fourteenth session of the Intergovernmental Group of Experts.

14. Moreover, in order to assist the Review Conference in its work, the Intergovernmental Group of Experts, in part I of its agreed conclusions, requested the UNCTAD secretariat, *inter alia*, to prepare:

(i) A draft study on the scope, coverage and enforcement of competition laws and policies in member States and an analysis of the provisions of the Uruguay Round Agreements relevant to competition policy, including their implication for developing and other countries, in accordance with the outline as contained in TD/B/RBP/105, and taking into account the comments made during the fourteenth session of the Intergovernmental Group of Experts;

(ii) A draft note describing selected cases of restrictive business practices that have an effect in more that one country, in particular developing and other countries, with overall conclusions regarding the issues raised by these cases;

(iii) A further in-depth feasibility study of developing a bibliography of relevant materials dealing with restrictive business practices issues, and the implementation of an appropriate database facility relating to decisions by competition authorities and courts, taking into account the comments made during the fourteenth session; and

(iv) A further revision of the commentary to the model law in accordance with the proposals contained in TD/B/RBP/Misc.16 and comments to be received by the secretariat before 15 May 1995.

15. The reports prepared by the UNCTAD secretariat on the above subjects are contained in TD/RBP/CONF.4/2 relating to the scope, coverage and enforcement of competition laws and analysis of the provisions of the Uruguay Round Agreements relevant to competition policy; TD/RBP/CONF.4/6 relating to selected cases of RBPs that have an effect in more than one country; TD/RBP/CONF.4/7 relating to a further in-depth feasibility study of a database; and TD/B/RBP/81/Rev.4 relating to the revised Model Law. In addition, the Conference will have before it as background document, a further compilation of the Handbook on RBP legislation (TD/RBP/CONF.4/3) containing legislation, and commentary thereon, of Lithuania, Mexico, the Slovak Republic and Zambia.

16. The Intergovernmental Group of Experts on Restrictive Business Practices also requested the UNCTAD secretariat to organize, resources permitting, a regional workshop on competition policy for African countries, to be held in Tunisia, within the preparatory process for the Third Review Conference. This seminar is now scheduled to take place in Tunis on 9-11 October 1995, and the secretariat will provide an oral report of the results of the seminar to the Third Review Conference.

Item 9 - Other business

Item 10 - Adoption of proposals for the improvement and further development of the Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices, including international cooperation in this field

17. Rule 52 of the provisional rules of procedure states that the Conference may recommend to the General Assembly the adoption of amendments to the Set of Principles and Rules. Rule 52 also provides that the Conference may approve and open for signature a Final Act. It may also, as was the case for the Second Review Conference in 1990, adopt a resolution.

Item 11 - Adoption of the Report of the Conference

18. Rule 52 of the provisional rules of procedure provides that the Conference shall adopt a report on its proceedings. The final report will be submitted to the United Nations General Assembly.